SINGLE BENCH

3

c.s. 1001

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

5450/15 Amankare Thakur

D.R. No. .....

Presented by .....

Dated 19/10/15

WRIT PETITION. NO. 5329 OF 2005

BETWEEN

Harikishan Sahu S/o Late Shri Bihari Lal Sahu, aged about 59 years, occupation service, working on the post Senior Sports Officer, ,posted at Government College Kurud , District Dhamtari , r/o Kurud District Dhamtari (CG).

PETITIONER

AND

1. The State of Chhattisgarh,
   Through the Secretary Department of Higher Education , Chhattisgarh, D.K.S. Building, Raipur (C.G.)

2. The Commissioner, Higher Education, Raipur, Government Science College premises, Raipur, Tahsil and District Raipur (CG).

3. The Principal, Government College, Kurud, District Dhamtari (CG).

1/7/16

RESPONDENTS

WRIT PETITION UNDER ARTICLE 226/227 OF CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

27

आदेश पत्रक

W.P. No. S 379/2005

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	13-2-2006 Shri Sunil Sahu, Advocate for the petitioner. Shri Vivek Sharma, Panel Lawyer, the State. Application for urgent hearing is allowed. With consent heard finally. The petitioner has filed this petition against the order dated 24-9-2005 passed by the respondent no. 3 whereby it has been informed to the Commissioner that the petitioner is going to retire on 31-3-2006 on completion of 60 years. The petitioner is a Senior Sports Officer posted at Government College, Kurud. It is contended that the petitioner is entitled to continue upto 62 years of age. He contended that issuance of letter Annexure P-2 relating to his retirement on completion of 60 years is illegal and contrary to law. It is submitted that earlier the matter came up for consideration before the Tribunal and it was decided in O.A. No. 3104/2000 (Krishna Gopal Tripathi, Senior Sports Officer, Rewa –v- State of M.P. and 4 others) on 20-5-2002 whereby the Tribunal accepted the contention of the petitioner and allowed the said petition. It is also contended that against the said decision, the State preferred Writ Petition before this Court, which was decided on 20-6-2003 holding that the Physical Teacher comes within the definition of the Teacher and as such he is entitled to all the benefits available to the teachers. Reliance was placed in a decision of the Hon'ble Supreme Court reported in 1997 SC 3433 (P.B. Rammohana Rao –v- A.P. Agricultural University and others). In	

[पीछे देखिये

XI-HC-22

(28)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

W.P.No.5379/2005

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	L.P.A. No. 1807//2002 (State of Chhattisgarh and others –v- Murlidhar Singh), this Court has also decided the similar matter. Having considered the facts and circumstances of the case and as the Sports Officer comes within the definition of teacher, the petitioner being a Senior Sports Officer, is entitled to continue upto the age of 62 years. Accordingly, the Annexure P-2 dated 24-9-205 passed by the respondent no. 3 is set aside. The petition is accordingly allowed. In view of the above order, M.W.P. No. 4323/2005 also stands disposed of. **Sd/-** **Fakhruddin** **Judge**	

Pathak/-

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21-2-06 23-2-06